

SENATE BILL NO. 363

BY SENATOR MARTINY

VETOED
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Veto Message

AN ACT

To amend and reenact R.S. 27:319(B)(1)(a)(ii) and (b)(iii), relative to penalties for certain violations of the Video Draw Poker Devices Control Law; to provide with respect to the revocation of a license for certain violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:319(B)(1)(a)(ii) and (b)(iii) are hereby amended and reenacted to read as follows:

§319. Allowing underage persons to play video draw poker devices; penalties; revocation of license

* * *

B.(1) Violations of Subsection A of this Section shall be penalized by the division as follows:

(a) For allowing a person under the age of twenty-one to play or operate a video draw poker device at a licensed establishment, unless the licensee, his employee, or agent reasonably believed that the person was twenty-one years old or older:

* * *

(ii) For a third or subsequent violation, a license revocation **hearing** shall be conducted at which time the board shall determine whether or not there are extenuating circumstances pursuant to which a license suspension or revocation should not be imposed.

(b) For allowing a person under the age of twenty-one to play or operate a video draw poker device at a licensed establishment when the licensee, his employee, or agent is shown to have known or reasonably believed he was allowing a person

1 under the age of twenty-one years old to play or operate a video draw poker device,
 2 or for allowing a person under the age fifteen years old to play or operate a video
 3 draw poker device at a licensed establishment regardless of what the licensee, his
 4 employee or agent knew or reasonably believed about the age of that person:

5 * * *

6 (iii) For a third or subsequent violation, a license revocation **hearing** shall
 7 be conducted at which time the board shall determine whether or not there are
 8 extenuating circumstances pursuant to which a license suspension or revocation
 9 should not be imposed.

10 * * *

11 Section 2. In the event Senate Bill 575 of the 2012 Regular Session is enacted into
 12 law, the Louisiana State Law Institute is hereby directed to redesignate R.S. 27:319 as
 13 amended in this Act as R.S. 27:443.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

"Senate Bill No. 363 by Senator Martiny changes the law governing the mandatory revocation of a licensed entity after the licensee has three or more underage gaming violations.

Current law provides that for a third or subsequent violation, a license must be revoked if the licensee, his employee or agent knowingly allowed a person under the age of 21 to play a video draw poker device or allowed a person under the age of 15 to play a video draw poker device regardless of what the licensee knew about the age of the person.

Instead, this bill repeals this mandatory revocation provision and replaces it with a less stringent process.

It is important that licensed entities know that there are serious consequences for allowing minors to play video poker devices. I am concerned that this legislation would undermine this important safeguard in current law.

For this reason, I have vetoed Senate Bill No. 363 and hereby return it to the Senate."